IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

SB CIVIL WRIT PETITION NO.2816/1994
Ramgopal & Ors. V/s State of Rajasthan & Ors.

Date of Order : : September 15, 2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Biri Singh Sinsinwar with
Mr.Naveen Dhuwan, for the petitioners.
Mr.R.K. Kala, for the respondents.

Heard learned counsel for the parties.

By the instant writ petition, the petitioners have sought relief of revised pay scale 1400-2600 w.e.f. 1.9.1988 with all consequential benefits.

The facts, in brief, of the case are that at the relevant time, the petitioners were working as Live Stock Supervisor Gr.I (equal to Veterinary Assistant). The petitioners have further submitted that Veterinary Assistant / Senior Live Stock Inspector / Assistant Superintendent, who were earlier working in the pay scale 1120-1250 have been given pay scale of 1400-2600 vide notification dated 1.2.1992, but they were not given revised pay scale of 1400-2600.

Counsel for the respondent Nos.2 & 4 where the petitioners are working raised two preliminary objections; one preliminary objection is regarding maintainability of writ petition as the Jaipur Zila Dugdh Utpadak

Sahkari Sangh Limited is not a State within the meaning of Article 12 of the Constitution of India and another objection is that the present case is an industrial dispute, therefore, alternative remedy of raising industrial dispute is available to the petitioners.

On merit also, the claim of pay scale 1400-2600 has been denied by the respondents.

Heard learned counsel for the parties and gone through the record of the case and further considered rival submissions of the parties.

As regard maintainability of the writ petition, the respondents have placed reliance on two judgments of this Court delivered in case of Ajmer Zila Dairy Employees Union V/s Registrar, Rajasthan Co-operative Societies & anr. (SB civil writ petition No.631/1993) decided on 11.2.1993 wherein identical Zila Dugdha Utpadak Sahakari Sangh Ltd. was held to be not a State. Similar judgment was given on 5.8.1994 in case of Mohan Singh V/s The Ajmer Zila Dugdh Utpadak Sahkari Sangh Ltd., Ajmer & Ors. (SB civil writ petition No.1379/1994) whereby Ajmer Zila Dugdh Utpadak Sahkari Sangh Ltd. was held not be the State.

Counsel for the petitioner has submitted that State is having pervasive control over the said Sangh, but from the record of the case, said submission is not substantiated.

The said judgments squarely covers the first issue raised so far as Jaipur Zila Dugdh Utpadak Sahkari Sangh Limited is not a State within the

meaning of Article 12 of the Constitution of India, is concerned.

As regard second issue is concerned, primarily it appears to be an industrial dispute and the petitioners are free to raise the industrial dispute before the Conciliation Officer. In case of failure of conciliation proceedings, the State will exclude the period of pendency of writ petition while considering the issue of delay and pass the appropriate order under Section 12 (5) of Industrial Disputes Act, 1947.

With the aforesaid observations, the writ petition stands dismissed.

(**P.S. ASOPA) J.**

ummed/-